

1 AN ACT
2 RELATING TO THE ENVIRONMENT; AMENDING THE SANITARY PROJECTS
3 ACT TO PROVIDE FOR LIVESTOCK WATER.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. Section 3-29-3 NMSA 1978 (being Laws 1965,
7 Chapter 300, Section 14-28-3) is amended to read:

8 "3-29-3. PURPOSE OF ACT--STATEMENT OF POLICY.--The
9 purpose of the Sanitary Projects Act is to improve the public
10 health of the people of New Mexico through a program that
11 will provide for the installation of sanitary domestic water
12 facilities, sewage works or both and thus eliminate present
13 hazardous practices and conditions. It is, therefore,
14 declared to be the policy of the legislature to assist in
15 providing facilities for the development of adequate,
16 sanitary domestic water supplies, sewage works or both,
17 together with all parts and appurtenances as may be needed to
18 provide water supplies, sewage works or both in rural
19 unincorporated communities."

20 Section 2. Section 3-29-7 NMSA 1978 (being Laws 1965,
21 Chapter 300, Section 14-28-7, as amended) is amended to read:

22 "3-29-7. CONDITIONS DEPARTMENT MAY REQUIRE BEFORE
23 EXTENDING BENEFITS.--

24 A. Insofar as the department deems it necessary
25 for the purpose of the Sanitary Projects Act, the department

1 may, as a condition to extending benefits under its
2 provisions to any community or group of individuals,
3 recommend:

4 (1) agreements or covenants in regard to
5 maintenance and permanent use of such lands, water or
6 facilities benefited by a domestic water supply, sewers or
7 treatment plant or any of them; provided that the water
8 supplies developed shall not in any case be used for
9 irrigation of commercial crops. The liquid effluent from
10 sewage plants shall not be used for the irrigation of truck
11 crops or fruits, and livestock shall not have access to
12 sewage plant effluents;

13 (2) contributions in cash by the association
14 in addition to the contract for labor, materials or services
15 as specified in Section 3-29-5 NMSA 1978; provided that the
16 association's contribution shall always equal or exceed one-
17 third of the total state cost; and

18 (3) that the state cooperate and contribute
19 financial aid according to the following schedules:

20 (a) a maximum of seven thousand dollars
21 (\$7,000) for each water project or for each sewer project
22 where twenty-eight or fewer dwelling units are to be served;
23 provided that no association shall be formed that shall not
24 provide service for at least ten domestic dwelling units; and

25 (b) two hundred fifty dollars (\$250)

1 per dwelling unit where more than twenty-eight dwelling units
2 are to be served; provided that the total allowable maximum
3 state expenditure for each water project or for each sewer
4 project shall not exceed twelve thousand dollars (\$12,000).

5 B. A requisite to securing such allocation of
6 funds upon a department recommendation shall be that the
7 individuals either collectively or individually in an
8 association shall agree to provide proper sewage disposal
9 facilities for the sanitary removal of potentially harmful
10 material classified as sewage, which shall be occasioned by
11 the installation of running water facilities. Associations
12 shall be eligible for construction grants as provided for in
13 the Federal Water Pollution Control Act.

14 C. No privy, cesspool, septic tank or other means
15 of sewage disposal or treatment shall be located within one
16 hundred fifty feet of any well, spring or other source of
17 domestic water supply created under the provisions of the
18 Sanitary Projects Act.

19 D. The department may in its discretion and shall
20 upon the petition of twenty-five percent of the users of a
21 project hold a hearing and make a determination as to whether
22 a sanitary project is being operated and managed in the best
23 interest of all local citizens. If the department, after a
24 hearing, determines that a project is not being operated or
25 managed in the best interests of the local citizens, the

1 department may intervene in the operation and management with
2 full powers, including the power to set and collect
3 assessments from members of the association and use the same
4 for the proper operation and management of the project."

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